

Appl. No. 10/748,034
Amdt. dated May 22, 2006
Reply to Office Action of March 21, 2006

REMARKS/ARGUMENTS

Pending claims 1, 16-19, 22-26 and withdrawn claims 7, and 12-15 are presented for Examiner's consideration. Pursuant to 37 C.F.R. § 1.111, reconsideration of the present application in view of the foregoing amendments and the following remarks is respectfully requested.

I. 35 U.S.C. §112 Rejections

Claim 1 stands rejected under 35 U.S.C. §112 second paragraph as being indefinite. The Applicants have amended the claim to recite a vehicle cup holder. The specification further defines a cup holder on page 3 at line 5. As indicated, a vehicle cup holder is a device designed to support and hold standard beverage containers that is often present in a wide variety of vehicles such as automobiles, trucks, or tractors. Applicants believe the positive recitation of a vehicle cup holder is clear to one of skill in the art and request the Examiner to remove the rejection.

Claims 4-6 are objected to as dependent on a withdrawn claim. Claims 4-6 have been canceled.

II. 35 U.S.C. §102 Rejections

Claims 1, 2, 4-6, 16, and 19-21 stand rejected under 35 U.S.C. §102(b) as anticipated by U.S. patent number D374,360 issued to Angermeir. Angermeir shows a tissue box having a holder comprising two folded panels that can extend from the side of the tissue box. The two panels are then placed between a box spring and a mattress to support the tissue box adjacent the mattress. The Examiner has stated that the box holder of Angermeir enables the tissue box to be attached to a large flat surface, and that a large flat surface can be a cup holder. The Applicants have amended independent claim 1 to positively recite a vehicle cup holder. A vehicle cup holder is not a large flat surface since a beverage container would not stay in place on a flat surface while the vehicle is driven. A vehicle cup holder generally supports both the bottom and at least a portion of the side of the cup to prevent tipping. As such, the pending rejection has been overcome by clarification of the type of cup holder.

Claims 1, 20, and 21 stand rejected under 35 U.S.C. §102(b) as anticipated by U.S. patent publication 2002/0000444 by Bliss. Claim 1 has been amended by incorporating the subject matter of claim 2. Claims 20 and 21 have been canceled. As such, the rejection has been overcome.

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III. Additional Claim Amendments

In order to place the application in a condition for allowance, some of the withdrawn claims to other embodiments of the invention have been canceled, and other withdrawn claims have been amended as necessary for proper claim dependency. Additionally new claims 22 – 26 have been added to further define the invention. Support for claim 22 can be found at page 6, lines 8-9; support for claims 23-24 can be found at page 11, lines 4-17; and support for claim 26 can be found at page 1, lines 10-32. No new matter is believed to be introduced by the claim amendments.

For the reasons stated above, it is respectfully submitted that all of the presently presented claims are in a condition for allowance. Additionally, since the remaining withdrawn claims depend from an allowable claim they are also in a condition for allowance. Please charge any prosecution fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875. The undersigned may be reached at: (920) 721-7760.

Respectfully submitted,

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CERTIFICATE OF TRANSMISSION

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